

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, April 6, 1863.

GENERAL ORDERS, }
No. 37. }

I. The following Act of Congress, concerning "*impressments*," and the instructions of the War Department respecting it, are published for the information and direction of all concerned:

"Whenever the exigencies of any army in the field are such as to make impressments of forage, articles of subsistence or other property absolutely necessary, then such impressments may be made by the officer or officers whose duty it is to furnish such forage, articles of subsistence or other property for such army. In cases where the owner of such property and the impressing officer cannot agree upon the value thereof, it shall be the duty of such impressing officer, upon an affidavit in writing of the owner of such property, or his agent, that such property was grown, raised or produced by said owner, or is held or has been purchased by him, not for sale or speculation, but for his own use or consumption, to cause the same to be ascertained and determined by the judgment of two loyal and disinterested citizens of the city, county or parish in which such impressments may be made—one to be selected by the owner; one by the impressing officer; and in the event of their disagreement, these two shall choose an umpire of like qualifications, whose decision shall be final. The persons thus selected, after taking an oath to appraise the property impressed fairly and impartially (which oath, as well as the affidavit provided for in this section, the impressing officer is hereby authorized to administer and certify), shall proceed to assess just compensation for the property so impressed, whether the absolute ownership or the temporary use thereof only is required.

"SEC. 2. That the officer or person impressing property as aforesaid, shall, at the time of said taking, pay to the owner, his agent or attorney, the compensation fixed by said appraisers; and shall also give to the owner, or person controlling said property, a certificate, over his official signature, specifying the battalion, regiment, brigade, division or corps to which he belongs, that said property is essential for the use of the army, could not be otherwise procured, and was taken through absolute necessity; setting forth the time and place when and where taken, the amount of compensation fixed by said appraisers, and the sum, if any,

paid for the same. Said certificate shall be evidence for the owner, as well of the taking of said property for the public use, as the right of the owner to the amount of compensation fixed as aforesaid. And in case said officer or person taking said property shall have failed to pay the owner or his agent said compensation as herein before required, then said owner shall be entitled to the speedy payment of the same by the proper disbursing officer; which, when so paid, shall be in full satisfaction of all claim against the government of the Confederate States.

“SEC. 3. Whenever the appraisement provided for in the first section of this act shall, for any reason, be impracticable at the time of said impressment, then and in that case the value of the property impressed shall be assessed as soon as possible by two loyal and disinterested citizens of the city, county or parish, wherein the property was taken, chosen as follows: One by the owner, and one by the Commissary or Quartermaster General, or his agent, who, in case of disagreement, shall choose a third citizen of like qualifications as an umpire, to decide the matters in dispute, who shall be sworn as aforesaid, who shall hear the proofs adduced by the parties as to the value of said property, and assess a just compensation therefor, according to the testimony.

“SEC. 4. That whenever the Secretary of War shall be of opinion that it is necessary to take private property for public use, by reason of the impracticability of procuring the same by purchase, so as to accumulate necessary supplies for the army, or the good of the service, in any locality, he may, by general order, through the proper subordinate officers, authorize such property to be taken for the public use; the compensation due the owner for the same to be determined and the value fixed as provided for in the first and second sections of this act.

“SEC. 5. That it shall be the duty of the President, as early as practicable after the passage of this act, to appoint a commissioner in each state where property shall be taken for the public use, and request the Governor of such of the states in which the President shall appoint said commissioner, to appoint another commissioner, to act in conjunction with the commissioner appointed by the President, who shall receive the compensation of eight dollars per day, and ten cents per mile as mileage, to be paid by the confederate government. Said commissioners shall constitute a board, whose duty it shall be to fix upon the prices to be paid by the government for all property impressed or taken for the public use as aforesaid, so as to afford just compensation to the owners thereof. Said commissioners shall agree upon and publish a schedule of prices every

two months, or oftener if they shall deem it proper; and in the event they shall not be able to agree in any matter confided to them in this act, they shall have power to appoint an umpire to decide the matter in dispute, whose decision shall be the decision of the board; and said umpire shall receive the same rate of compensation for the time he shall serve, allowed to said commissioners respectively: *Provided*, that said commissioners shall be residents of the state for which they shall be appointed; and if the Governor of any state shall refuse or neglect to appoint said commissioner within ten days after a request to do so by the President, then the President shall appoint both commissioners, by and with the advice and consent of the senate.

“SEC. 6. That all property impressed or taken for the public use, as aforesaid, in the hands of any person other than the persons who have raised, grown or produced the same, or persons holding the same for their own use or consumption, and who shall make the affidavit as herein before required, shall be paid for according to the schedule of prices fixed by the commissioners as aforesaid. But if the officer impressing or taking for the public use such property, and the owner, shall differ as to the quality of the article or property impressed or taken as aforesaid, thereby making it fall within a higher or lower price named in the schedule, then the owner or agent and the officer impressing or taking, as aforesaid, may select each a loyal and disinterested citizen, of the qualifications as aforesaid, to determine the quality of said article or property, who shall, in case of disagreement, appoint an umpire of like qualifications, and his decision, if approved by the officer impressing, shall be final; but if not approved, the impressing officer shall send the award to the commissioners of the state where the property is impressed, with his reasons for disapproving the same, and said commissioners may hear such proofs as the parties may respectively adduce, and their decision shall be final: *Provided*, that the owner may receive the price offered by the impressing officer, without prejudice to his claim to receive the higher compensation.

“SEC. 7. That the property necessary for the support of the owner and his family, and to carry on his ordinary agricultural and mechanical business, to be ascertained by the appraisers, to be appointed as provided in the first section of this act, under oath, shall not be taken or impressed for the public use; and when the impressing officer and the owner cannot agree as to the quantity of property necessary as aforesaid, then the decision of the said appraisers shall be binding on the officer and all other persons.

"SEC. 8. Where property has been impressed for temporary use, and is lost or destroyed, without the default of the owner, the government of the Confederate States shall pay a just compensation therefor; to be ascertained by appraisers appointed and qualified as provided in the first section of this act. If such property when returned has, in the opinion of the owner, been injured whilst in the public use, the amount of damage thereby sustained shall be determined in the manner described in the third section of this act, the officer returning the property being authorized to act on behalf of the government; and upon such enquiry, the certificate of the value of the property, when originally impressed, shall be received as *prima facie* evidence of the value thereof.

"SEC. 9. Where slaves are impressed by the confederate government to labor on fortifications or other public works; the impressment shall be made by said government according to the rules and regulations provided in the laws of the state wherein they are impressed; and in the absence of such law, in accordance with such rules and regulations not inconsistent with the provisions of this act, as the Secretary of War shall from time to time prescribe: *Provided*, that no impressment of slaves shall be made when they can be hired or procured by the consent of the owner or agent.

"SEC. 10. That previous to the first day of December next, no slave laboring on a farm or plantation exclusively devoted to the production of grain and provisions, shall be taken for the public use, without the consent of the owner, except in case of urgent necessity.

"SEC. 11. That any commissioned or non-commissioned officer or private who shall violate the provisions of this act, shall be tried before the military court of the corps to which he is attached, on complaint made by the owner or other person; and on conviction, if an officer, he shall be cashiered and put into the ranks as a private; and if a non-commissioned officer or private, he shall suffer such punishment, not inconsistent with military law, as the court may direct."

II.—1. By the authority of the act of congress aforesaid, the Secretary of War hereby recognizes impressment as a legal and operative mode of securing necessary supplies of subsistence, medical and quartermaster's stores for the armies of the Confederate States in the field, and to accumulate them in magazines, posts and depots, owing to the impracticability of procuring them by contract.

2. Impressments may be made under orders from Generals commanding armies, departments, corps, divisions, brigades, and by commanders

of detached parties and posts, when a necessity arises; which orders may be executed by quartermasters, commissaries or medical purveyors and their subordinates, for their respective departments.

The Quartermaster General, Commissary General and Surgeon General may designate the officers and persons who shall be competent to make impressments to accumulate supplies at posts and depots.

3. No officer or agent shall impress the necessary supplies which any person may have for the consumption of himself, his family, employees, slaves, or to carry on his ordinary mechanical, manufacturing or agricultural employments.

4. Before any impressment of property shall take place, the impressing officer or his agent shall make an offer, addressed to the owner, his bailee or other agent, to purchase the property, describing the property he wishes to purchase, the price to be paid, and the mode of payment, whether in money, or by certificate, and stating that upon the refusal of the price offered, that compensation for the property will be made according to the act of congress aforesaid, for the regulation of impressments; which notice shall bind the said property until the completion of the negotiation for the sale or appropriation thereof, so that there can be no removal or transfer of the same.

5. In the event of the refusal of the price offered, the impressing officer shall proceed to settle the compensation to be paid, according to the first section of the act aforesaid, if the property belongs to a person who has grown, raised, or produced the same, or who holds or has purchased the same for his own use or consumption; but the said property shall be paid for according to the 5th section of the act aforesaid, if the property is held for sale or other purposes than those before mentioned.

6. That the property shall remain in the possession of the owner, his bailee or agent, and at his risk, during the pendency of the proceedings for the ascertainment of the compensation, unless it shall be otherwise agreed to, or unless some urgent necessity shall require the possession of the property to be changed. In case of a change of possession, the Confederate States shall be regarded as the owner, and the property shall be held for their account and risk.

7. The impressing officer shall, at the date of the impressment, pay to the owner, his agent or attorney in fact, the compensation agreed upon, if it be practicable; but if he cannot do so, he shall give a certificate, according to the second section of the act aforesaid; which shall be paid upon presentation to the disbursing officers, who shall be designated for that purpose.

8. Impressments, which shall be made before the appointment of the

commissioners designated in the 5th section of the act aforesaid, shall notwithstanding be legal, and in the cases provided for by that section, a portion of the property shall be retained as samples, so that the price may be settled and compensation adjusted according to the provisions of the same.

By order.

S. COOPER,

Adjutant and Inspector General.